

**S.B. CIVIL MISC. APPEAL NO.660/2006**  
(Shri Ram Vs. Ganpat Singh & Anr.)

DATED :28.08.2006.

**HON'BLE MR. JUSTICE DINESH MAHESHWARI**

None present for the appellant

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This appeal for enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Jodhpur in its award dated 04.02.2006 was filed on 04.05.2006 and the record shows that it was listed on 17.05.2006 but for nobody being present for the appellant, it was adjourned for one week. It was again listed on 26.05.2006 and yet nobody appeared for the appellant and the appeal was still adjourned to be listed after vacations. It was again listed on 13.07.2006 and was called out thrice but nobody appeared for the appellant and in the interest of justice, it was adjourned for six weeks.

The matter has been called out today also thrice but nobody has bothered to appear for the appellant. It is apparent that the appellant has lost interest in prosecuting this appeal. The appeal deserves to be dismissed for want of prosecution.

Even on merits, there appears no scope for enhancement over the award made in the sum of Rs.15,679.26 with interest at the rate of 7.5% per annum for the injuries and property damage suffered by the appellant. None of the injuries has been found grievous; and even in respect of injury No.3 regarding which it was reported in the injury report that left leg was put in plaster, the X-ray report Ex.5 has shown no bony injury. The Tribunal has thoroughly considered all the material available on record and has allowed Rs.5,000/- towards injuries, Rs.1818/- towards property damage and Rs.8,861.26 towards treatment expenditure. The award remains that of just compensation and cannot be said to be too low and does not call for any interference.

The appeal is, therefore, dismissed.

**[DINESH MAHESHWARI], J.**

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